

PROB 12C
(7/93)Report Date: June 24, 2010
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

JUN 24 2010

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michelle Fawn Wakwak

Case Number: 2:06CR02004-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Chief U.S. District Judge

Date of Original Sentence: 7/27/2006

Original Offense: Crime on Indian Reservation - Assault, 18 U.S.C. §§ 1153 and 113

Original Sentence: Prison - 37 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 11/7/2008

Defense Attorney: Amanda Bjur

Date Supervision Expires: 11/6/2011

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Standard Condition #2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Michelle Wakwak failed to report to the U.S. Probation Office and submit a monthly report form during the month of May 2010.

On April 5, 2010, the defendant reported to the U.S. Probation Office at which time she was directed to report back on May 3, 2010, to fill out a monthly report form. To date, the defendant has failed to report to the U.S. Probation Office as directed.

- 2 **Mandatory Condition #4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On May 24, 2010, Michelle Wakwak contacted the undersigned officer and admitted to consuming alcohol and smoking marijuana from May 15 through May 22, 2010. The defendant related she was having a hard time dealing with the death of a family member and used the above-noted substances.

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Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Michelle Wakwak was arrested on May 15, 2010, for driving under the influence and driving with a suspended license, Yakama Tribal Police case number 10-1996.

According to an incident report from the Yakama Nation Tribal Police, on May 15, 2010, officers received a call regarding a possible drunk driver. Tribal officers conducted a traffic stop on the suspect vehicle and identified the driver as Michelle Wakwak and the passenger as Thomas Shippentower, who is on Federal supervision. Officers could smell a strong odor of intoxicants emitting from the vehicle and located several containers of alcohol inside the car. Ms. Wakwak was asked to perform field sobriety tests but she refused. She was then arrested and booked into the Yakama Nation Tribal Jail for driving under the influence and driving with a suspended license. At the jail the defendant complied with a portable breath test, which registered a blood alcohol content level of .15.

Tribal court records have been requested but have not yet been received. The defendant's next court date is unknown at this time.

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Mandatory Condition #2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Michelle Wakwak was arrested on May 22, 2010, for driving under the influence, first degree driving with license suspended, and operating a motor vehicle without an ignition interlock system, Washington State Patrol case number 757705.

According to an incident report from the Washington State Patrol, on May 22, 2010, officers conducted a traffic stop on a suspected drunk driver. The driver was identified as Michelle Wakwak. Upon contacting the defendant, officers smelled a strong odor of intoxicants emitting from her breath as she spoke. Officers also observed that her eyes were red and watery and that her speech was slurred. Field sobriety tests were performed on the defendant which she failed. She was then booked into the Yakima County Jail on the aforementioned charges. At the jail, the defendant refused to provide a breath test.

Yakima County District Court records indicate the defendant appeared in court on May 24, 2010, for an arraignment and bail was set at \$2,500. On June 11, 2010, the defendant posted the bail amount and was released from custody. On June 21, 2010, she appeared in court for a conference hearing but the hearing was continued to July 19, 2010. Trial is currently set for September 19, 2010.

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Standard Condition #9: The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: Michelle Wakwak associated with a convicted felon on May 15, 2010, as noted in violation number 3, without obtaining permission from her supervising probation officer.

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Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Michelle Wakwak failed to report to the U.S. Probation Office since her release from the Yakima County Jail on June 11, 2010.

On May 24, 2010, the defendant contacted the U.S. Probation Office and reported that she was incarcerated at the Yakima County Jail on new charges as noted in violation number 4. Ms. Wakwak was directed to report to the U.S. Probation Office immediately upon her release from custody. On June 11, 2010, the defendant was released from custody but failed to report as directed. Several attempts have been made to contact the defendant but all have been met with negative results.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: June 24, 2010

s/Jose Vargas

Jose Vargas
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

6/24/10
Date